

EXHIBIT L

From: Imperatore, Edward (USANYS) <Edward.Imperatore@usdoj.gov>
Sent: Friday, January 17, 2020 2:01 PM
To: Eric.Bruce@freshfields.com; Bill Weinreb; daniel.torba@freshfields.com; William Burck; Michael Packard; Altin.Sila@freshfields.com; Sarah.Caruana@freshfields.com
Cc: Hartman, Scott (USANYS); Tracer, Daniel (USANYS)
Subject: RE: US v. Petit - Follow Up Questions Regarding Brady and Discovery
Attachments: 2019-07-01 Status Report Submission [dckt 99_0].pdf; 2019-07-01 Status Report Submission [dckt 99_1].pdf

[EXTERNAL EMAIL]

Eric,

In response to questions 1 and 2 below, we received two presentations from counsel for the MiMedx Audit Committee and reviewed those, and notes thereof, for *Brady*. We did not receive a presentation from the SLC. Nor did we receive any final report produced by MiMedx's Audit Committee or SLC. A publicly available SLC report summary, docketed at *In re MiMedx*, 18 Civ. 4486 (WMR) (N.D.G.A.), Dkt. No. 99, is attached.

In response to question 3, to the extent you seek to identify the Distributors by name in your motion papers, we have no objection.

In response to question 4, as we stated in our January 13, 2020 letter, we have not yet decided whether we will seek to introduce evidence pursuant to Rule 404(b). If we decide to offer Rule 404(b) evidence related to another distributor, we will provide appropriate *Brady* disclosures at the time we provide 404(b) notice.

Thank you,
Ed

From: Eric.Bruce@freshfields.com <Eric.Bruce@freshfields.com>
Sent: Thursday, January 16, 2020 11:21 AM
To: billweinreb@quinnemanuel.com; Hartman, Scott (USANYS) <SHartman@usa.doj.gov>
Cc: Imperatore, Edward (USANYS) <EImperatore@usa.doj.gov>; daniel.torba@freshfields.com; williamburck@quinnemanuel.com; michaelpackard@quinnemanuel.com; Altin.Sila@freshfields.com; Sarah.Caruana@freshfields.com
Subject: US v. Petit - Follow Up Questions Regarding Brady and Discovery

Scott, Daniel, and Ed,

In our continuing review of the discovery and *Brady* letters provided thus far, as well as preparing for upcoming motions, we have the following questions:

1. Does the government have possession of any or all presentations, white papers, letters, etc. that were submitted to you or displayed to you by MiMedx and/or their counsel in connection with MiMedx's internal investigation and cooperation with DOJ/SEC?
 - a. By way of example only, does the government have possession of:
 - i. the final report produced by MiMedx's SLC?
 - ii. the final report produced by MiMedx's Audit Committee?

iii. PowerPoint presentations presented to the government by MiMedx's counsel?

2. Have the documents referenced above, as well as any and all notes taken by government counsel or agents during such meetings and presentations, been reviewed for *Brady* material and the results produced to us?
3. What is the government's position, if any, as to whether Distributors 1-4 can be named in our pre-trial motions (and, relatedly, whether those entities names would need to be redacted from the public versions of any exhibits)?
4. In response to our requests for *Brady* material related to distributors other than Distributors 1-4, you indicated that you "are not inclined to view any such request as implicating the *Brady* doctrine." We understand your response to indicate you do not intend to introduce evidence regarding any sales to/accounting for those other distributors as part of your case in chief (e.g., as either 404(b) or intrinsic evidence), since such material would obviously implicates *Brady* if you did have such an intention. Please confirm our understanding is correct. If you cannot so confirm, we ask you to reconsider your position on this issue.

Many thanks,

Eric

Eric B. Bruce

Partner

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